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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 DRANOEL ENAJ BROWN,

8 Plaintiff,

9 v.

10 KING COUNTY, *et al.*,

11 Defendants.

Case No. C16-1332-JCC-JPD

ORDER GRANTING PLAINTIFF'S
MOTION TO CHANGE NAME OF
DEFENDANT

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13 This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before
14 the Court at the present time on plaintiff's motions to amend his complaint to change the name of
15 a defendant, to amend the title of his third amended complaint, to withdraw his motion to amend
16 the title of his third amended complaint, and to conduct additional discovery. Defendants oppose
17 plaintiff's motions to change the name of a defendant and to conduct additional discovery, but do
18 not oppose plaintiff's other two motions. The Court, having considered plaintiff's motions,
19 defendants' responses, and the balance of the record, hereby Orders as follows:

20 (1) Plaintiff's motion to amend his complaint to change the name of a defendant (Dkt.
21 56) is GRANTED. On August 23, 2017, plaintiff filed a motion for leave to amend his
22 complaint together with a proposed third amended complaint. Among the claims he sought to
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ORDER GRANTING PLAINTIFF'S MOTION
TO CHANGE NAME OF DEFENDANT - 1

1 add in his third amended complaint was a claim that Catherine Schroeder, a member of the King
2 County jail health services staff, took his wheelchair away in October 2015, thereby violating his
3 rights under the Eighth and Fourteenth Amendments. (*See* Dkt. 59 at 5-6.) On October 4, 2017,
4 this Court issued an Order in which it denied plaintiff's request to add Ms. Schroeder as a
5 defendant because plaintiff could not confirm that Ms. Schroeder was the medical provider who
6 took his wheelchair away. (*See* Dkt. 58.) The Court failed to recognize prior to issuing its Order
7 that plaintiff, on September 29, 2017, had filed the instant motion seeking to substitute King
8 County medical provider Nancy Ledgerwood for Ms. Schroeder, having discovered through his
9 review of his medical files that it was Ms. Ledgerwood who took away his wheelchair in October
10 2015.

11 Defendants object to plaintiff's request to substitute Ms. Ledgerwood for Ms. Schroeder
12 on the grounds of undue delay. (Dkt. 64.) Defendants raised a similar objection in response to
13 plaintiff's motion to file his third amended complaint, an objection which this Court rejected.
14 (*See* Dkts. 46 and 58.) Had the Court recognized at the time it issued its October 4, 2017 Order
15 that plaintiff had requested to substitute Ms. Ledgerwood for Ms. Schroeder, it would have
16 granted that request. The Court will not penalize plaintiff now because of its own oversight.
17 Plaintiff's request to substitute Ms. Ledgerwood is therefore granted. The Court will issue a
18 service order in conjunction with this order directing service of plaintiff's third amended
19 complaint on Ms. Ledgerwood.

20 (2) Plaintiff's motion to withdraw his motion to amend the title of his third amended
21 complaint (Dkt. 74) is GRANTED, and plaintiff's motion to amend the title of his amended
22 complaint (Dkt. 57) is STRICKEN pursuant to his request.

23
ORDER GRANTING PLAINTIFF'S MOTION
TO CHANGE NAME OF DEFENDANT - 2

(3) Plaintiff's motion to conduct additional discovery (Dkt. 72) is STRICKEN as premature. It appears that plaintiff is seeking additional time to conduct limited discovery with respect to proposed defendant Nancy Ledgerwood. While the Court has granted plaintiff's motion to add Ms. Ledgerwood as a defendant, Ms. Ledgerwood has not yet been served nor has she had an opportunity to file a responsive pleading. Plaintiff may renew his motion to conduct additional discovery once Ms. Ledgerwood has filed a responsive pleading in this matter. Plaintiff is advised that any such motion must state with greater specificity than the current motion what additional discovery is desired and why it is necessary.

(4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to the Honorable John C. Coughenour.

DATED this 7th day of November, 2017.

James P. Donohue

JAMES P. DONOHUE
Chief United States Magistrate Judge